

REMARKS

Claims 1-32 are pending. Claim 31 is withdrawn from further consideration as being drawn to a non-elected invention, the requirement having been traversed. By this Amendment claims 28 and 32 are amended. Prompt examination and favorable consideration are respectfully requested.


Applicants confirm the election of Group 1, claims 1-30 and 32. In reply to the election of species requirement, Applicants hereby provisionally elect Species 30. This election is made with traverse. It is respectfully submitted that claims 28, 29 and 32 read on the elected species.

It is respectfully submitted that the Examiner has not established a serious burden with respect to the election of species requirement. (It is also respectfully noted that with respect to the restriction requirement, claim 31 depends from claim 30. Accordingly, the search and examination of claim 31 cannot be conducted without the search and examination of claim 30. Accordingly, no serious burden exists there either.) The Examiner has merely alleged that the subject matter of Group I is classifiable in class 428, subclass 694TM. It is first respectfully noted that a search of the U.S. patent classification definitions on the PTO website reveals no such class and subclass. It is secondly respectfully noted that the Examiner has not even alleged, let alone established, that the distinction between parallel and perpendicular orientation of the recording layers is separately classifiable. It is thirdly respectfully noted that the Examiner has not alleged or established that the various interlayer structures are separately classifiable. Accordingly, Applicants respectfully reiterate that the criteria for a proper restriction requirement has not been established as no serious burden has been established.

Reconsideration and withdrawal of the restriction requirement and the election of species requirement are respectfully requested.

Respectfully submitted,

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